

AUSA: John O'Brien

Telephone: (313) 226-9100

AO 91 (Rev. 11/11) Criminal Complaint

Task Force Officer: Samer Kato, FBI

Telephone: (313) 965-2323

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

10

United States of America

v.

PAUL ZYBURSKI

Case:2:18-mj-30299

Judge: Unassigned,

Filed: 05-23-2018 At 12:22 PM

IN RE: SEALED MATTER (CMP)(CMC)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2017 and January 2018 in the county of Macomb in the  
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. § 843(b)

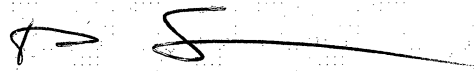
Use of a communication facility to facilitate drug trafficking crimes.

This criminal complaint is based on these facts:

See Attached Affidavit.

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: May 23, 2018City and state: Detroit, MI*Complainant's signature*Samer Kato, Task Force Officer, FBI*Printed name and title**Judge's signature*R. Steven Whalen, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Samer Kato, a Deputy with the Macomb County Sherriff's Department, currently assigned as a Task Force Officer with the Federal Bureau of Investigation (FBI), Macomb County Gang Violent Crime Task Force (MCGVCTF), Clinton Township, Michigan, being duly sworn, depose and state as follows:

1. I am currently employed as a Deputy with the Macomb County Sherriff's Department and have been for over 11 years. I am currently assigned as a Task Force Officer (TFO) with the FBI. During the course of my 11 year tenure with law enforcement, I have worked violent crime investigations, including the manufacturing and distribution of controlled substances. I have investigated, arrested, and assisted in the prosecution of several hundred persons as it relates to drugs or drug related crimes, prostitution, gambling, and illegal firearm sales. I am familiar with investigative techniques involving electronic surveillance to include consensually recorded calls, pole cameras, mobile tracking devices and court authorized telephone interception.

2. The following is based upon my personal investigation, as well as the receipt of information from other Federal, State, and Local law enforcement personnel. I have not set forth all of the information known to me or known to other members of law enforcement. I have included only the information necessary to establish probable cause. The investigation outlined in this affidavit is being conducted by the FBI Macomb County Gang and Violent Crime Task Force (MCGVCTF). The MCGVCTF is an FBI-led task force comprised of Agents/TFO's from the FBI, Roseville Police Department, Sterling Heights Police Department, Clinton Township Police Department, Michigan State Police, Shelby Township Police Department and the Macomb County Sheriff's Office.

3. In 2014 the FBI began to receive information that ANTONIO LEWIS, of 21XXX Bayside, St. Clair Shores, Michigan, cellular telephone 586-447-2XXX hereafter referred to as TARGET TELEPHONE 1, and others were involved in the distribution of cocaine in the Macomb County area. This reporting was from two separate FBI confidential human sources, referred hereafter as CHS-1 and CHS-3 respectively.

4. In 2015, the Roseville Police Department, through their independent investigation, confirmed that LEWIS was distributing cocaine in the Macomb

County area. Their investigation included two separate controlled purchases of cocaine from LEWIS by a Roseville confidential human source, hereafter referred to as CHS-2.

5. In early 2017, the FBI, specifically the MCGVCTF, began an investigation into the illegal activities of LEWIS. Through physical and electronic surveillance, your affiant and members of the MCGVCTF confirmed that LEWIS had a party bus rental business, A & A Dynasty. LEWIS stored the vehicle at Maxx's Towing. LEWIS has been observed conducting suspected hand-to-hand type drug transactions on or near the bus. The MCGVCTF discovered that LEWIS sold cocaine, in packs of approximately 1.2 grams.

6. In the summer of 2017, the MCGVCTF, utilizing CHS-3, conducted two controlled purchases of cocaine from LEWIS via TARGET TELEPHONE 1, to facilitate the transactions.

7. Pursuant to the on-going investigation of the criminal activities of LEWIS, on November 1, 2017, November 30, 2017, and on December 29, 2017 court authorization was granted permitting the interception of the wire and text communications of LEWIS.

8. This court order specifically granted authority to intercept the wire communications associated with TARGET TELEPHONE 1 being used by LEWIS. As a result of these intercepts, substantial evidence was collected concerning the distribution of cocaine by LEWIS and others associated with LEWIS.

9. One of the telephone numbers that LEWIS and TARGET TELEPHONE 1 had frequent communication with was identified as (586) 707-XXXX. Pursuant to an administrative subpoena, forwarded to T-Mobile, reference (586) 707-XXXX, the subscriber to this telephone number was identified as PAUL F. ZYBURSKI, of 321 N. Gratiot Avenue, Mount Clemens, MI 48043. The address was later determined to be ZYBURSKI's law office address.

10. On November 19, 2017, between approximately 9:30 pm and 9:35 pm, LEWIS utilizing TARGET TELEPHONE 1, and ZYBURSKI utilizing telephone number (586) 707-XXXX, exchanged the following text messages:

- PAUL ZYBURSKI "Can o get at 1030, call"

- ANTONIO LEWIS "2nite"
- ANTONIO LEWIS "Hello"

11. On November 19, 2017, at approximately 9:47 pm, LEWIS, utilizing TARGET TELEPHONE 1 contacted ZYBURSKI utilizing telephone number (586) 707-XXXX, the following is a transcript of the conversation:

- PAUL ZYBURSKI "Yeah, hey chief"
- ANTONIO LEWIS "Yo"
- PAUL ZYBURSKI "Yo, man, I'm on my way from um, where the fuck am I at, 16 and, where the fuck am I at, you know, 16 and fucking, um, you know Troy"
- ANTONIO LEWIS "Alright man"
- PAUL ZYBURSKI "Yeah, so about 45 minutes"
- ANTONIO LEWIS "Alright"
- PAUL ZYBURSKI "Can we do that, that'll be perfect"
- ANTONIO LEWIS "Two"
- PAUL ZYBURSKI "That'll give me an incentive, man I'm on, I'm out, alright I'll see ya. Alright see ya"
- ANTONIO LEWIS "Two"
- PAUL ZYBURSKI "Yea, man, alright bye"
- ANTONIO LEWIS "Yep"

12. Based upon affiant and other law enforcement personnel's training and experience, it is the affiant's belief that ZYBURSKI had contacted LEWIS to purchase cocaine "Can o get at 1030, call". LEWIS responded back to confirm the transaction was on this date "2nite", ZYBURSKI didn't respond back. LEWIS than called ZYBURSKI to confirm the number of packages of cocaine he wished to purchase "Two". ZYBURSKI confirmed he wished to purchase 2 packages of cocaine: "Yea, man, alright bye".

13. On November 27, 2017, between approximately 5:04 pm and 5:19 pm, LEWIS utilizing TARGET TELEPHONE 1, and ZYBURSKI utilizing telephone number (586) 707-XXXX, exchanged the following text messages:

- PAUL ZYBURSKI “Yo Oni I’m getting ready to go to Columbia can you get me in the mood”
- ANTONIO LEWIS “K”
- ANTONIO LEWIS “How many”
- PAUL ZYBURSKI “2”
- ANTONIO LEWIS “K”

14. Based upon affiant and other law enforcement personnel’s training and experience, it is the affiant’s belief that ZYBURSKI had contacted LEWIS to purchase cocaine prior to departing the United States to go to Columbia “Yo Oni I’m getting ready to go to Columbia can you get me in the mood”. LEWIS acknowledged ZYBURSKI’s request “K” and asked him how many packages of cocaine he requested to purchase “How Many”. ZYBURSKI requested to purchase 2 packages of cocaine “2”. LEWIS acknowledged the request “K”.

15. On December 19, 2017, between approximately 3:06 pm and 3:49 pm, LEWIS utilizing TARGET TELEPHONE 1, and ZYBURSKI utilizing telephone number (586) 707-XXXX, exchanged the following text messages:

- PAUL ZYBURSKI “And you stop by we got rid of ponder so we’re going to have a little celebration me and Brian?”
- PAUL ZYBURSKI “Keyshia Cole”
- PAUL ZYBURSKI “Disregard that last message too”
- PAUL ZYBURSKI “I meant just doll Keisha 1 it is 2 still good”
- ANTONIO LEWIS “I have 5oclock meeting @ bus. Im @16 mound. I gotta b quick”
- PAUL ZYBURSKI “No problem me and Brian got five kind of time anyway so I’ll just wait here for you”
- PAUL ZYBURSKI “Will save the Christmas stories till after Christmas especially since we got rid of ponder we have nobody to interrupt us LOL”

- ANTONIO LEWIS "K"
- ANTONIO LEWIS "K omw"

16. Based upon affiant and other law enforcement personnel's training and experience, it is the affiant's belief that ZYBURSKI had contacted LEWIS to purchase cocaine for himself and an associate named BRIAN "And you stop by we got rid of ponder so we're going to have a little celebration me and Brian?". LEWIS acknowledged the request and agreed to deliver the cocaine to ZYBURSKI's residence. LEWIS further advised ZYBURSKI that he was on his way to his residence "K omw".

17. On December 19, 2017, at approximately 4:15 pm, physical surveillance was conducted in the area of 18XXX Millstone, Macomb Township, MI, by Special Agent Opperman. Special Agent Opperman observed a Ford Bronco, Brown in color, MI- MONSTRK, parked in the drive. The listed Michigan registration, MONSTRK, comes back to a 1996 Ford Bronco, registered to LEWIS at 21XXX Bayside, St Clair Shores, MI.

18. On December 20, 2017, between approximately 4:05 pm and 7:11 pm, LEWIS utilizing TARGET TELEPHONE 1, and ZYBURSKI utilizing telephone number (586) 707-XXXX, exchanged the following text messages:

- PAUL ZYBURSKI "Can you meet me at the tennis court"
- ANTONIO LEWIS "Baby sitting till 6"
- PAUL ZYBURSKI "Okay that'll work I'll be home at 6 but I got to leave at 6:30"
- ANTONIO LEWIS "K"
- ANTONIO LEWIS "She not getting off 630 so ill b later 7ish. Sorry. If u wanna leave the loot n bowl let me kno"
- PAUL ZYBURSKI "Try to stall till around 7 so if you're not there I'll leave it in the bowl I just got to go to cicarelli's and you know I want a piece of that little f\*\*\*\*\* squirt she owes me \$499"
- ANTONIO LEWIS "lol ok"
- PAUL ZYBURSKI "U on ur way"



- PAUL ZYBURSKI “Or can I bj meet u in ciccerellis parking lot unless u wanna come in n hang with law enforcement lol”
- ANTONIO LEWIS “omg”
- ANTONIO LEWIS “Um noooo lol”

19. On December 20, 2017, at approximately 7:13 pm, LEWIS, utilizing TARGET TELEPHONE 1 contacted an unknown male subject identified as BRIAN LNU utilizing ZYBURSKI’s telephone number (586) 707-XXXX, the following is a transcript of the conversation:

- BRIAN “Yo, what up dog?”
- ANTONIO LEWIS “You got jokes huh? (laughs)”
- BRIAN (laughs) “what’s going on?”
- ANTONIO LEWIS “Uh shit, I headed that way”
- BRIAN “Where, where you at”
- ANTONIO LEWIS “Uh, what’s this, uh Utica and 14”
  
- BRIAN “Uh, can you meet us over at Ciccarelli’s?”
- ANTONIO LEWIS “Yeah I’ll do that”
- BRIAN “Alright will see you over there, just uh, just call me or Paul or uh, when you’re done, Paul’s isn’t ringing so call mine”
  
- ANTONIO LEWIS “One?”
- BRIAN “What’s that?”
- ANTONIO LEWIS “One or Two?”
- BRIAN “Uh, what do we want, two? (Asking an individual in the background)” (Background individual responded, yep)
  
- BRIAN “Uh, two”
- ANTONIO LEWIS “Alright see you in a little bit”
- BRIAN “Okay, bye, bye”

- ANTONIO LEWIS

“Okay, bye”

20. On December 20, 2017, at approximately 7:42 pm, LEWIS, utilizing TARGET TELEPHONE 1 contacted ZYBURSKI’s telephone number (586) 707-XXXX, the following is a transcript of the conversation:

- Phone rang
- Voice mail greeting “hello you’ve reached attorney PAUL ZYBURSKI”
- LEWIS didn’t leave a voice mail

21. On December 20, 2017, at approximately 7:44 pm, LEWIS, utilizing TARGET TELEPHONE 1 contacted BRIAN LNU telephone number (586) 360-XXXX, the following is a transcript of the conversation:

- |                 |  |
|-----------------|--|
| • ANTONIO LEWIS | “Keep coming to your right, down by the sport place, you hear me Brian?”                                 |
| • BRIAN         | “Yeah, yep”  |
| • ANTONIO LEWIS | “Yep (laughs) I seen you walking out”  |
| • BRIAN         | “Yeah, sorry about that I, Just, for whatever reason my phone is not uh”                                 |
| • ANTONIO LEWIS | “Not ringing either?”  |
| • BRIAN         | (unintelligible) “ringing but uh, yeah”  |
| • ANTONIO LEWIS | “Where’d you go?”  |
| • BRIAN         | “Uh, I’m right here over by BNR sports”  |
| • ANTONIO LEWIS | “BNR sports yeah, I’m over here”   |
| • BRIAN         | “Yeah, okay, what uh”  |
| • ANTONIO LEWIS | (unintelligible) “parking lot, I mean right behind this white Jeep, see the white Jeep in front of you?” |
| • BRIAN         | “Uh huh, yep, okay, very good alrighty”  |

22. Based upon affiant and other law enforcement personnel’s training and experience, it is the affiant’s belief that ZYBURSKI had contacted LEWIS to purchase cocaine “Can you meet me at the tennis court”. LEWIS was busy at the



time of contact "baby sitting", however he advised ZYBURSKI that he could meet up with him and deliver the cocaine when his girlfriend arrived at home "She not getting off 630 so ill b later 7ish. Sorry. If u wanna leave the loot n bowl let me kno". ZYBURSKI advised LEWIS that he was going to be at Ciccarellis restaurant and to bring the cocaine there "Or can I bj meet u in ciccerellis parking lot unless u wanna come in n hang with law enforcement lol". LEWIS called ZYBURSKI and BRIAN picked up ZYBURSKI's phone and advised LEWIS to meet up with him and ZYBURSKI at Ciccarellis restaurant "Uh, can you meet us over at Ciccarelli's?" LEWIS agreed to meet "Yeah I'll do that". LEWIS than asked BRIAN how many packages of cocaine they wished to purchase "One or Two", BRIAN was speaking to ZYBURSKI in the background and confirmed that he wished to purchase 2 packages of cocaine "Uh, what do we want, two?", ZYBURSKI responded "yep".

Moments later, LEWIS contacted ZYBURSKI and the call went to voice mail. The voice mail greeting stated the following: "hello you've reached attorney PAUL ZYBURSKI".

Due to ZYBURSKI not answering his phone, LEWIS contacted BRIAN's telephone number (586) 360-XXXX and advised him that he was in the area and was ready to deliver the cocaine "parking lot, I mean right behind this white Jeep, see the white Jeep in front of you?", BRIAN responded back that he can see him "Uh huh, yep, okay, very good alrighty".

23. Pursuant to an administrative subpoena, forwarded to Verizon Wireless, reference (586) 360-1153, the subscriber to this telephone number was a business named Horti-Toad LLC, 8014 Imlay City Road, Kenosha, WI 53141.

24. On January 20, 2018, between approximately 12:34 pm and 1:30 pm, LEWIS utilizing TARGET TELEPHONE 1, and ZYBURSKI utilizing telephone number (586) 707-XXXX, exchanged the following text messages:

- PAUL ZYBURSKI "Coyote can you stop by I got some 18 year old broad coming here so you know "
- ANTONIO LEWIS "1?"
- PAUL ZYBURSKI "Coyote? I think I meant to say yo tea anyway that one's good"

- ANTONIO LEWIS
- PAUL ZYBURSKI
- PAUL ZYBURSKI
- ANTONIO LEWIS
- ANTONIO LEWIS

“K”

“I didn’t say she was Coyote Ugly”

“Actually 2 sounds better if you got it”

“K omw”

“Lmao”

25. Based upon affiant and other law enforcement personnel’s training and experience, it is the affiant’s belief that ZYBURSKI had contacted LEWIS to purchase cocaine for himself and a female that he was meeting up with “Coyote can you stop by I got some 18 year old broad coming”. LEWIS asked ZYBURSKI if he requested to purchase 1 package of cocaine “1”. ZYBURSKI requested to order 2 packages of cocaine “Actually 2 sounds better if you got it”.

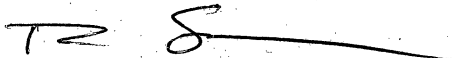
26. During the course of the interceptions, mentioned in the above paragraphs, LEWIS, while utilizing TARGET TELEPHONE 1, had communication with PAUL ZYBURSKI on over 30 occasions where they engaged in criminal conversations regarding the distribution of controlled substances, specifically cocaine.

27. Based upon the aforementioned information, there is probable cause to believe that PAUL ZYBURSKI between at least November 20, 2017, and January 20, 2018, committed the offense of use of a communication facility to facilitate drug trafficking crimes, in violation of Title 21, United States Code Section 843(b).



Samer Kato  
Task Force Officer - FBI

Sworn to before me and signed in my presence  
this 23rd day of May, 2018.



R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE